

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 \* \* \*

4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 v.

7 RONALD FRANK MUISE,

8 Defendant.  
9

Case No. 2:14-cr-00037-APG-NJK

**ORDER STRIKING ORDER  
GRANTING VOLUNTARY  
DISMISSAL**

10 On April 24, 2017, I entered an order granting voluntary dismissal of defendant Muiсе's  
11 motion to vacate under 28 U.S.C. § 2255. ECF No. 38. Unbeknownst to me, that same day the  
12 Government filed an opposition to Muiсе's motion. ECF No. 37. The Government requests that  
13 dismissal be based upon 28 U.S.C. § 2255, rather than upon Federal Rule of Civil Procedure  
14 41(a)(1)(A)(i) as requested by Muiсе. The Government's opposition raises issues about the  
15 impact dismissal will have upon Muiсе's ability to file a second or successive petition. Because I  
16 entered my order before seeing the Government's opposition, I did not consider those issues. I  
17 therefore strike my prior order and allow Muiсе to file a reply addressing those issues.

18 IT IS THEREFORE ORDERED that my prior order (ECF No. 38) is **STRICKEN**.  
19 Muiсе may file a reply in support of his motion to voluntarily dismiss by May 9, 2017.

20 DATED this 25th day of April, 2017.

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22 ANDREW P. GORDON  
23 UNITED STATES DISTRICT JUDGE  
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